

EXHIBIT 5

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

SHAMARA T. KING, on
behalf of herself and all others similarly
situated,

Plaintiff,

v.

GENERAL INFORMATION SERVICES,
INC.,

Defendants.

Case No.: 2:10-cv-06850-PBT

DECLARATION OF LINDA M. MADDEN

Pursuant to 28 U.S.C. § 1746, I, LINDA M. MADDEN, declare as follows:

1. My name is Linda M. Madden. I am over 21 years of age and am competent to give testimony. I am a Human Resources Generalist (Principal) for the United States Postal Service (“USPS”). The facts herein are based upon my personal knowledge and my review of the records of the USPS created in the ordinary course of business at or around the time of the events and they reflect as part of the USPS’s regular practice.

2. I have reviewed the allegations that Plaintiff Shamara T. King has made against General Information Services, Inc. in case number 2:10-cv-06850-PBT currently pending in the United States District Court for the Eastern District of Pennsylvania (the “Lawsuit”).

3. On or about February 21, 2010, Ms. King applied for a job with the USPS in Philadelphia. The job Ms. King applied for was as follows:

Title: Casual

Grade: E6-07

Occupation Code: 5201-1001

Facility Location: Philadelphia NDC / 1900 Byberry Road / Philadelphia, PA 19116-9751

Date range position was posted: 2/20/2010 -- 3/31/2010.

4. Thereafter, the USPS denied Ms. King's application dated February 21, 2010.

5. Attached hereto as Exhibit A is a true and correct copy of a letter dated March 17, 2010 that the USPS sent to Ms. King regarding her February 21, 2010 employment application (with personal information redacted). As explained in the letter, the USPS denied Ms. King's February 21, 2010 application for employment because of Ms. King's January 2000 felony conviction for "criminal conspiracy engaging in theft by unlawful taking."

6. Attached hereto collectively as Exhibit B are letters from Ms. King to the USPS dated August 31, 2010 and September 2, 2010. In those letters, Ms. King made a Freedom of Information Act ("FOIA") Request for information about the USPS's decision to deny her February 21, 2010 employment application.

7. Attached hereto as Exhibit C is a letter dated November 8, 2010 from the USPS to Ms. King providing information about the USPS's decision to deny Ms. King's February 21, 2010 employment application. As explained in the letter, Ms. King's employment application was denied as a result of information on her criminal background report.

8. I am familiar with the USPS's standards governing whether to hire an applicant for employment whose background report reveals criminal history, and the presence of nolle prossed charges on Ms. King's criminal background report had no impact on USPS's decision to deny Ms. King's February 21, 2010 application for employment.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 26th day of March, 2013.

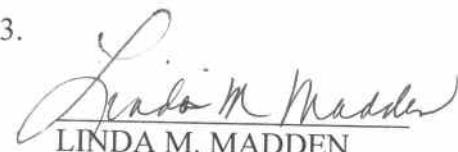

LINDA M. MADDEN

EXHIBIT A

LOCAL SERVICES
PHILADELPHIA DISTRICT



March 17, 2010

Shamara King
[REDACTED]
Philadelphia PA [REDACTED]

Dear Ms. King:

This is in reference to your Application for Employment (PS Form 2591), with the United States Postal Service for the position of Casual.

Your application was given consideration and a review of your criminal record reflectst he following:

Offense Date: January 8, 2000

Count 1: Felony Criminal Conspiracy Engaging theft by unlawful taking

Disposition Date: July 26, 2000

Convicted Pled Guilty/Financial Assessments 3 years – Probation 3 years

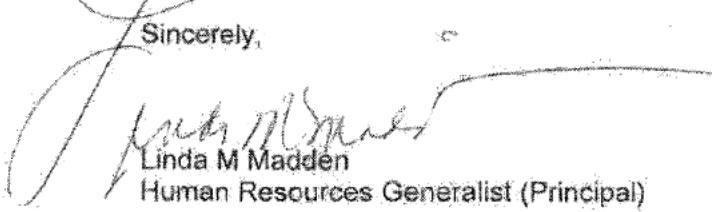
Grand Total \$435.21

It is the United States Postal Service policy, as stated in the Personnel Operations Handbook EL-312, Chapter 5, Section 514.31, to individually evaluate the employability of each applicant with a criminal conviction or pending criminal charge.

The Postal Service operates under strict requirements and standards.

Therefore, your request for employment with the United States Postal Service as a Casual is denied.

Sincerely,


Linda M Madden
Human Resources Generalist (Principal)

cc: File

1900 BYBERRY ROAD
PHILADELPHIA, PA 19116-0422
FAX: (215) 671-7700

USPS000001

EXHIBIT B

August 31, 2010

USPS Records Office
475 L'Enfant Plaza SW, RM 4541
Washington, DC 20260-2201
FAX: 202.268.5353

Attention: Gayla Gorman

RE: FOIA Case Number 2010-FPRO-00930

Dear Ms. Gorman:

I recently received a letter from you regarding the above named FOIA request, requested pursuant to the Freedom of Information Act, 5 U.S.C. § 552a. The request noted that my original FOIA request did not include enough information to process. I am writing to you to provide as much additional information as I can to further clarify my request.

REQUEST:

I am requesting information and/or records relating to the personnel decision to deny my application for employment with the United States Postal Service. I applied for a job at the Philadelphia NDC at 1900 Byberry Rd. Ste 1, Philadelphia, PA 19116-9751 on or around May 24, 2010. The job posting number was 57571950 for a grade E6-07, non-exempt, casual position with occupation code 5201-1001. The finance number for the position is 416545. The job was posted from 5/18/2010-8/15/2010. I have attached a copy of the job posting with this letter.

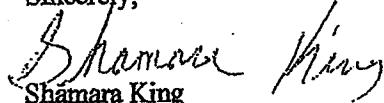
For identification purposes, my name is Shamara King, my birth date is █ 1978, and the last four digits of my social security number are 3234.

If there are any fees for searching for, reviewing, or copying the records, please let me know before you task my request.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

If you have any questions about handling this request, you may telephone my attorney, Michael Hollander, at 215.981.3794.

Sincerely,


Shamara King
3/7/1978

September 2, 2010

USPS Records Office
475 L'Enfant Plaza SW, RM 4541
Washington, DC 20260-2201
FAX: 202.268.5353

Attention: Gayla Gorman

RE: FOIA Case Number 2010-FPRO-00930

Dear Ms. Gorman:

I wrote to you yesterday regarding the above named FOIA request. In my letter, I mistakenly told you that I was requesting information about job posting number 57571950, open from 5/18/2010-8/15/2010 to which I applied on May 24. Although I did apply for that job, I also applied for several other jobs earlier in the year. I made a mistake when I wrote the last letter and included information about the most recent job I applied for rather than the job that I was really interested in getting information about. Below is my revised request—I apologize for the mix up.

REQUEST:

I am requesting information and/or records relating to the personnel decision to deny my application for employment with the United States Postal Service. I applied for a job at a Philadelphia location of the USPS. I applied on February 21, 2010. The specific job that I applied for was for a TE Carrier. Unfortunately I don't have more information than this.

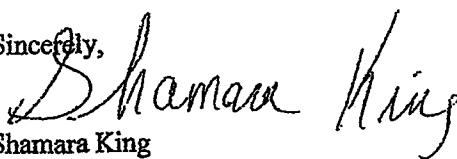
For identification purposes, my name is Shamara King, my birth date is [REDACTED] 1978, and the last four digits of my social security number are 3234.

If there are any fees for searching for, reviewing, or copying the records, please let me know before you task my request.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

If you have any questions about handling this request, you may telephone my attorney, Michael Hollander, at 215.981.3794.

Sincerely,


Shamara King
3/7/1978

Case ID: 22547210

You will need to print the page, sign and date it, and return it to GIS immediately. Remember you must provide your signed authorization and consent form, within 5 days of the date of the email. The signed authorization form can be faxed to GIS at 1-866-582-5809, or you may mail it to GIS at PO Box 353, Chapin, SC 29036.

Privacy Act Statement: Your information will be used to determine your suitability for employment. Collection is authorized by 39 USC 401, 410, 1001, 1005 and 1205. Providing the information is voluntary, but if it is not provided you may not receive full consideration. We may disclose your information as follows: in relevant legal proceedings; to law enforcement when the USPS or requesting agency becomes aware of a violation of law; to a congressional office at your request; to entities or individuals under contract with USPS; to entities authorized to perform audits; to labor organizations as required by law; to federal, state, local, or foreign government agencies regarding personnel matters; to the Equal Employment Opportunity Commission; and to the Merit Systems Protection Board or Office of Special Counsel. For more information regarding our privacy policy, visit us at usps.com.

This constitutes my consent and authorization to the disclosure or furnishing of any relevant and necessary information or records to any duly authorized employment official or to a contractor acting on behalf of the USPS by any person, corporation, agency, or association concerning my character, employment, criminal records, driving records, or military service as may be relevant and necessary for a determination of my suitability for employment with the USPS.

This authorization is given with full knowledge and understanding that the USPS will take measures to protect the aforementioned information against unauthorized disclosure to any parties not having a legitimate need for it in the discharge of official business of the United States, or its agencies and instrumentalities.

I hereby RELEASE the aforementioned persons, corporations, agencies, associations and their employee, agents, and representatives from any and all liability for damages resulting from a decision by the USPS not to employ me on account of compliance, or any attempts at compliance with this authorization, except for any damages resulting from knowingly providing false or misleading information or records about me.

A copy of this authorization shall be as effective and valid as the original. This authorization shall be valid for 12 months from the date it is signed.

Signature: Shamara Terrell King Date: 9/2/2010
Name: SHAMARA TERRELL KING

According to the Fair Credit Reporting Act (FCRA, 15 U.S.C. § 1681 et seq), I am entitled to know if the considerations for which I am applying are denied because of information obtained from a consumer reporting agency. If so, I will be notified and be given the name of the agency providing that report.

EXHIBIT C

Local Services
Philadelphia Metropolitan District



November 8, 2010

Shamara T. King
4736 Rorer Street
Philadelphia PA 19120

Dear Ms. King:

This is in reference to your application for employment to the Philadelphia Metropolitan District in addition to your Freedom of Information Act (FOIA) request dated October 15, 2010.

A review of our records reveals that you were denied employment for the position you applied for circa February 21, 2010.

The attached background report received from General Information Services (GIS) is the reason for not employing you in this position.

Sincerely,

Linda M. Madden

Linda M. Madden
Human Resources Generalist (Principal)

Attachment

1900 Byberry Road
Philadelphia PA 19116-9422
Telephone: (215) 671-7729
FAX: (215) 671-7706